



**Consultation on proposed changes to the  
Investigations and Professional Conduct  
Committee Rules, Standard of Acceptance,  
and Indicative Sanctions Guidance**

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## Executive Summary

1. In March 2020 the Board commissioned an [independent review](#) of ARB's investigatory procedures. That review recommended changes to ARB's Investigations and Professional Conduct Committee Rules and supporting guidance. Changes are now being proposed with the aim of addressing the unduly complex and inconsistent language within the Rules, to modernise ARB's approach, and improve the accessibility and transparency of the process. We are now consulting on the proposed changes to understand whether we have achieved those aims and whether any further changes should be made.

## Introduction

2. The Architects Registration Board (ARB) is the professional regulator of architects. We maintain a Register to protect the public, so that anyone using an architect's services, or a building designed by an architect, can be reassured that the design has been developed by an appropriately qualified person. As part of its role in maintaining the Register, ARB must take action where serious concerns are raised about the conduct or competence of an architect.

3. The Architects Act 1997 (the Act) requires ARB to investigate where it is alleged an architect is guilty of unacceptable professional conduct, serious professional incompetence or that they have been convicted of a criminal offence which is relevant to their fitness to practise as an architect. Where those investigations conclude that the architect has a case to answer to the allegation(s), they must be referred to the Professional Conduct Committee (PCC) for it to decide whether they are guilty of the allegation, and if so whether they should receive a disciplinary sanction.

4. Aside from the Act, the framework for how ARB investigates complaints is set out in the Investigations and Professional Conduct Committee Rules (the Rules). ARB also issues a body of guidance for the procedural application of the Rules and in making key decisions. The 'Standard of Acceptance' (now the 'Acceptance Criteria') guidance provides the criteria which must be met for investigating complaints, and the Indicative Sanctions Guidance (ISG) is a key aide for the PCC when issuing sanctions against architects who have been found guilty. These are both important decision points in the investigatory process.

## Background to the consultation

5. In March 2020 the Board commissioned an independent review of ARB's investigatory processes and procedures. Among other things the review included an examination of the Rules and all associated guidance.

6. While the review did not identify any serious concerns about the functioning of ARB's investigatory procedures, it identified a number of areas where ARB's approach could be refreshed and modernised. In particular, it recommended that the Rules and key supporting guidance be revisited to ensure they are thorough, accessible and reflect modern regulatory best practice.

7. The Rules have been updated regularly over the last 15 years and were last updated in 2018. As a set of rules the various iterations have proven successful in allowing investigations to be carried

out under a robust framework. However, the cumulative effect of so many iterations has been that the overall document has become unduly complex and inconsistent in its language. Rather than risking further inconsistency, the Rules and guidance have been approached afresh. Best practice has been sought from other regulators; however, we recognise that each organisation has unique requirements and legal frameworks within which they must operate.

8. Before deciding upon any proposed changes, it is important that we seek the views and feedback from a wide range of key stakeholders.

## Changes Proposed

### *The Rules*

9. The Rules have been redrafted to improve consistency, modernise the language used, and streamline and simplify the content. The process by which an investigation is carried out has not significantly changed. Rather, the redrafted Rules are intended to help make the process more transparent and accessible for all parties involved in investigations.

### *Acceptance Criteria*

10. The Standard of Acceptance guidance has been redrafted to ensure the decision-making process is explained fully and that the content is clear and accessible. While the acceptance criteria have not changed, the redrafted guidance consolidates criteria which are currently detailed across various guidance documents, placing all relevant considerations in one place with the aim of improving transparency.

### *Sanctions Guidance*

11. We have built upon the existing sanctions guidance which was last updated in 2019. We have added further guidance in important areas of the decision process, most notably:

- We have provided more detailed guidance in relation to aggravating and mitigating factors (paras 14 to 17) including the consideration of references and testimonials (paras 18 and 19) and insight and remediation (para 20).
- We have added guidance on the issue of dishonesty (paras 39 to 42).

12. As with the other documents, the ISG has also been subject to a general refresh to ensure the content is up to date, thorough, transparent and accessible.

## Consultation questions

13. We welcome views and suggestions on the proposed changes, in particular:
- i. To what extent do you agree that the Rules provide a modern and clear framework for ARB's investigatory process? (Agree, somewhat agree, neither agree or disagree, somewhat disagree, disagree)
  - ii. Is there anything you would like us to change in the Rules?
  - iii. The Acceptance Criteria document identifies the criteria to be applied when deciding whether or not to investigate a complaint. How clear is the guidance? (Clear, somewhat clear, neither clear nor unclear, somewhat unclear, unclear)
  - iv. Do you agree that six years is an appropriate timeframe within which complaints must be made to ARB? (Yes, no, if not, why?)
  - v. The Sanctions Guidance explains the rationale for imposing a disciplinary order after an architect has been found guilty of unacceptable professional conduct or serious professional incompetence. How clear is the guidance? (Clear, somewhat clear, neither clear nor unclear, somewhat unclear, unclear)
  - vi. Are there any changes we could make to improve accessibility to our investigation procedures, or make the process more inclusive?
  - vii. Do you have any other comments to make?

[Click here to share your answers to these questions >](#)

## Next steps

14. At the close of the consultation we will analyse and consider the responses received. The Board will be invited to consider the consultation responses before determining whether the proposals (and any further changes following the consultation) should be adopted. It is envisaged that the Board will carry out that consideration in the first quarter of 2022.

15. If you need information on this document in a different format such as an audio recording or braille, you can:

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We'll consider your request and get back to you within 14 days.



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